UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/83/Add.3
11 March 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49

Addendum

Mission to Colombia
(1-7 November 2001)*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Spanish only.

Executive summary

This report contains the findings of the Special Rapporteur on violence against women following her visit to Colombia on official mission in November 2001 to investigate, assess and report on the impact of the conflict on the human rights of women.

The role of violence against women as a part of the internal armed conflict in Colombia has been overshadowed by the numerous other problems facing the country. The Special Rapporteur documents the impact of internal conflict on women, the widespread and systematic nature of gender-based violence and the various forms of it that are suffered. Rarely is there direct confrontation between the different armed groups, rather these armed groups attempt to settle their scores by attacking civilians suspected of supporting the other side. Although men are the most common victims of summary executions and massacres, violence against women, particularly sexual violence by armed groups, has become a common practice within the context of a slowly degrading conflict and a lack of respect for international humanitarian law.

Women have been abducted by armed men, detained for a time in conditions of sexual slavery, raped and made to perform domestic chores. Women have been targeted for being the female relatives of the "other" side. After being raped some women have been sexually mutilated before being killed. Furthermore, survivors explain how paramilitaries arrive in a village, completely control and terrorize the population, and commit human rights abuses with total impunity. The Special Rapporteur also highlights the particular experience of female combatants in the warring factions who suffer sexual abuse and infringements of their reproductive rights and finally the appalling situation faced by female internally displaced persons.

This report contains recommendations to ensure that policy and programmes of assistance address the gender dimensions of the conflict. The Special Rapporteur calls for greater protection, particularly in regard to gender-based violence, including the verification of cases and the prosecution of perpetrators of gender-based violations, improved monitoring and reporting, and special protection measures for those working on human rights issues.

The Special Rapporteur encourages all parties to subscribe to a global accord on the subject of human rights and international humanitarian law. This accord should include special protection from gender-based violence and slavery.

The Special Rapporteur calls on all parties to the conflict to take measures to protect women and girls from rape and other forms of gender-based violence, including instructing all warring factions to respect international humanitarian law. Rape, forced contraception and sterilization, forced prostitution, sexual slavery and other forms of sexual violence are serious breaches of international humanitarian law. She calls on the parties to state publicly that rape in the conduct of armed conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances, and that anyone who commits rape will be brought to justice. She also calls on them to investigate all reports of rape and other forms of sexual violence, to prosecute those alleged to have committed such crimes and ensure compensation for the victims.

The Special Rapporteur notes that the failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women in Colombia, including rape and domestic violence. The Special Rapporteur is concerned about the criminal justice system in relation to women, and the reported low level of conviction for rape and other forms of gender-based violence. She urges the Government to intensify its efforts to combat violence against women through comprehensive measures, including gender-sensitive training in the criminal justice system.

In this context, the Special Rapporteur calls on the Government to increase funding for the Human Rights Unit of the Office of the Prosecutor-General, including for the witness protection programme, travel, communications equipment, security and evidence-gathering capability. The work of the Prosecutor-General's office has contributed to the protection of human rights and accountability for serious crimes, yet in recent times prosecutors and investigators have had their budgets cut and lack the resources to investigate fully cases assigned to them. The Special Rapporteur encourages the unit in its future work, which is vital to upholding the rule of law. Because of the pervasiveness of sexual and gender-based violence in Colombian society, the particular expertise necessary to investigate, evaluate and prosecute these crimes effectively, and the persistent tendency to marginalize them, the Special Rapporteur urges the Prosecutor-General to appoint a high-ranking legal adviser on sexual and gender-based violence.

The Special Rapporteur urges all parties to abide by and ensure enforcement of the Guiding Principles on Internal Displacement. She reiterates the need to implement fully the recommendations made by the Representative of the Secretary General on internally displaced persons to the Government of Colombia and armed groups in Colombia. These include paying special attention to the particular needs of women and children, who make up the majority of the displaced population. She urges the Government to respect the rights of displaced women, in particular women heads of household, by providing them with economic and psychological support.

The Special Rapporteur urges the Government to provide greater support and protection for human rights organizations that work with women and on women's human rights issues. The work currently under way in research and the production of materials on women's rights, and the documentation of women's experiences of conflict is seen by certain actors as contentious and adequate thought needs to be given to addressing the risks and providing appropriate support. Much valuable work is done in remote areas at the grass-roots level and those who are undertaking it deserve appropriate protection measures and support systems. Tackling impunity and prosecuting gender-based violations will send a message that these crimes will be taken seriously. Serious priority and commitment must be devoted to exploring preventive measures and providing protection.

The Special Rapporteur asks for the development and implementation of programmes for the social reintegration of former female combatants. The support provided to girl former combatants should include evaluating their past experiences. If these experiences are denied or treated as social maladjustment, or managed with guilt and resentment, these girls are denied the possibility of understanding their experiences within a political and historical context and of coming to terms with them.

Finally, the Special Rapporteur states that, in accordance with Security Council resolution 1325 (2000) of 31 October 2000, women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. Women's representation at the negotiating table is crucial as the sine qua non of gender equality and inclusion. Women should participate in every capacity to promote gender-sensitive and gender-inclusive responses to the conflict, the peace process and violations without the threat of further violence and egregious attacks.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES ON HER MISSION TO COLOMBIA (1-7 NOVEMBER 2001)

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I. INTRODUCTION

1. The role of violence against women as a part of the internal armed conflict in Colombia has been overshadowed by the numerous other problems facing the country. The Special Rapporteur decided to visit Colombia following reported incidents of gender-based violence, including rape and sexual slavery, by all armed groups involved in the conflict: the rebels, paramilitary groups and the Colombian armed forces.

2. The Special Rapporteur visited Colombia, at the invitation of the Government, from 1 to 7 November 2001 to investigate the allegations and assess and report on the impact of the conflict on the human rights of women. This report contains recommendations to ensure that policies and programmes of assistance address the gender dimensions of the conflict. The Special Rapporteur calls for greater protection, particularly in regard to gender-based violence, including the verification of gender-based violations, improved monitoring and reporting, and special protection measures.

3. During the visit, the Special Rapporteur engaged in constructive, candid dialogue with a number of government officials, including: Mr. Gustavo Bell, the Vice-President and Minister for Defence; Mr. Guillermo Fernandez de Soto, the Minister for Foreign Affairs; Mrs. Nazly Lozano, the Presidential Councillor for Women's Affairs; Mr. Eduardo Cifuentes, the Defensor del Pueblo (Ombudsman); Mr. Alejandro Ramelli, the Director of the Human Rights Unit of the Office of the Prosecutor-General of the Nation (Fiscalía General de la Nacion); Mrs. Gloria Quinceno, Director-General for Re-Incorporation Programmes; Colonel Luis Alfonso Novoa, Coordinator of the Human Rights Unit of the Policía Nacional (National Police); and Mr. Fernando Medellin, Director of the Social Solidarity Network. The Special Rapporteur also met with members of Parliament and representatives of the international diplomatic and donor community. The Special Rapporteur regrets that it was impossible to meet with HE President Pastrana and the Prosecutor-General both of whom where unavailable to meet with the Special Rapporteur during her visit to their country despite her requests.

4. The Special Rapporteur is very grateful for the support provided by Mr. Anders Kompass, the director of the OHCHR office in Bogotá and his staff, to ensure a substantively and logistically successful visit and to facilitate the Special Rapporteur's understanding of the political and general human rights context prevailing at the time of her visit.

5. The Special Rapporteur discussed the situation of violence against women with officials from United Nations and international agencies and non-governmental organizations (NGOs). The Special Rapporteur would like to give special thanks to all members of the Working Group on Women and Armed Conflict who worked extremely hard to prepare information for her visit and also coordinated the NGO programme in consultation with the OHCHR office in Bogotá.

6. The Special Rapporteur had several meetings with women survivors of violence and internally displaced women. During visits to Bogotá, Cali and Cartagena municipalities, the Special Rapporteur met with survivors of violence and internally displaced persons from these municipalities, and also from neighbouring ones. In Bogotá, the Special Rapporteur met with groups from Bogotá and the Altos de Cazuca and Ciudad Bolivar *barrios*, and also with groups from Medellin and North Santander. In Cali, the Special Rapporteur held meetings with

women's groups from Cali, Buenaventura and Cauca municipalities, as well as North Valle and Putumayo departments. In Cartagena, the Special Rapporteur took testimonies from women from Cartagena and also from South Bolivar. She also visited internally displaced communities on the outskirts of Cartagena (Bolivar department),in the Olaya *barrio*.

II. GENERAL FINDINGS

7. The fourth largest and third most populous country in South America, Colombia is endowed with substantial oil reserves and is a major producer of gold, silver, emeralds, platinum and coal. However, it also has a highly stratified society where the traditionally rich families have benefited from this wealth to a far greater degree than the greatest portion of the population, who are mostly of mixed race. There are 80 distinct ethnic groups among the approximately 800,000 indigenous inhabitants. These groups are concentrated in the Andean mountains, the Pacific coast lowlands and the Amazonas department. Afro-Colombian and indigenous communities continue to be the victims of systematic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence.[1]

8. With few avenues for social mobility, this situation provided a natural constituency for left-wing insurgents. At the other end of the political spectrum are right-wing paramilitary groups, who are sometimes in the pay of drug traffickers and large landowners, and are allegedly backed by elements in the army and the police. The paramilitaries have sprung up everywhere, in particular in the north-western regions, and target human rights workers and peasants suspected of helping left-wing guerrillas, street children and other marginal groups.

9. According to recent estimates, roughly 3,500 people, most of whom are civilians, die every year in the conflict which is pitting the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) against an illegal right-wing paramilitary force known as the United Self-Defence Forces of Colombia (AUC) and government troops. Colombia is heading towards greater levels of violation of human rights, given the contempt towards the civilian population demonstrated by all actors involved in the conflict.

10. According to one report, some 300 armed men belonging to the paramilitary Peasant Self-Defence Force of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá) (ACCU) set up a kangaroo court in the village of El Salado, Bolívar. Over the next two days, they tortured, garrotted, stabbed, decapitated and shot residents; investigators tied one 6-year-old girl to a pole and suffocated her with a plastic bag; one woman was reportedly gang-raped; 36 people were confirmed dead and another 30 were missing. In another case, paramilitaries entered the village of Pueblo Nuevo Mejía and abducted a woman and her son when they were unable to find her husband and brother-in-law; the woman was made to cook for the paramilitaries, ill-treated and threatened with sexual abuse. Other information indicated that guerrilla forces have been responsible for widespread abuses during the armed conflict, including numerous deliberate and arbitrary executions of people they consider to be military or paramilitary collaborators or sympathizers, including young women associating with members of the security forces.

11. Human rights violations in Colombia can be described as grave and systematic. The main rights affected are the right to life, the right to personal integrity, the right to liberty, the

right to security of person and the right to due process. The majority of the Colombian population has come to view human rights violations as endemic occurrences. Luis Alberto Restrepo explains that many Colombians are indifferent to violence because of their incapacity to control it.[2] The Special Rapporteur was often shocked by the acceptance of the conflict as a part of life by many of her interlocutors.

12. According to information collected during the Special Rapporteur's visit members of the paramilitary groups were the principal violators of those rights, their acts implied State responsibility, through action or omission of the duty to safeguard rights. Due to the lack of a firm and coherent policy to prevent violations, develop serious investigations against paramilitary groups and State agents that support them in one way or another, and sanction those responsible for such violations, the Colombian Government is responsible due to its failure to act with due diligence.

13. According to information received by the Special Rapporteur, human rights violations for which paramilitary groups are accountable have shown a rapid increase since 1993 (when they accounted for less than 20 per cent of all such violations, but accounting for more than 75 per cent since 1997), while those directly perpetrated by State agents have decreased (more than 50 per cent of violations in 1993 and less than 5 per cent since 1997). The theory that a relationship exists between these two phenomena has been discussed, a hypothesis that has seemingly been confirmed. The reduction in the number of cases attributed to State agents, taken together with a simultaneous increase in the cases attributed to paramilitary groups, suggests that several of these actions benefit from cover-up or connivance.

14. The guerrilla groups have also committed serious violations of international humanitarian law in targeting the civilian population suspected of being associated with the paramilitaries or the Colombian armed forces. They have carried out kidnapping, indiscriminate attacks that affect the civilian population and arbitrary and deliberate killings of those they accuse of siding with their enemies. They are the principal perpetrators in the conflict of abduction and forced recruitment of children, infringement of women's reproductive rights and kidnapping for extortion purposes.

15. Survivors are often afraid to denounce human rights violations for fear of reprisals and because of a general mistrust of the criminal justice system given the high levels of impunity in Colombia.

16. Impunity and the denial of justice continue to be amongst the most serious concerns in Colombia. Impunity in relation to all types of crimes is widespread. The rate of impunity for violations of women's rights remains high, reflecting a failure by the State to comply with its responsibilities and resulting in a denial of justice to the victims of violations and/or their family members. Impunity for those responsible for committing gender-based violence is one of the most important factors contributing to the continued violation of women's rights and to the general increase in violence. The Special Rapporteur deplores the situation of impunity that exists in Colombia and notes that the State will face responsibility for all violations of human rights that occur until such time as it takes measures to ensure that justice is administered fairly and effectively in Colombia.

17. The Special Rapporteur acknowledges that some judges and prosecutors have sought to discharge their duties fully and to combat impunity. In particular, the Human Rights Unit of the Office of the Prosecutor-General of the Nation has made some important advances in judicial investigations implicating military officials in human rights violations and paramilitary activities.

18. As a strategy for fighting impunity, the Prosecutor-General created the Human Rights Unit. The Unit began to function in 1995 with competence throughout the territory of Colombia in cases involving violations of human rights and international humanitarian law assigned to it. Nonetheless, the Human Rights Unit faces problems that prevent the full realization of its potential to combat impunity. Many prosecutors from the Human Rights Unit have received threats as a result of their work and several have been forced to flee the country and seek shelter abroad. The State reportedly does not take the special measures necessary under these circumstances to ensure the safety of the members of the unit. Because the Human Rights Unit has shown its potential to serve as an effective tool against impunity in human rights cases, the Special Rapporteur urges the State to maintain the unit and to provide it with the material and human resources necessary to allow it to intensify its work, in particular in regard to violations of women's rights, which have not been dealt with by the unit to date.

19. In this context, the Special Rapporteur is concerned about the changes that have occurred since the new Prosecutor-General of the Nation took office regarding the orientation of his Office and the dismissal of certain officials who had made efforts to tackle impunity. These have raised serious fears about the prospects for strengthening the institution and its commitment to the fight against impunity. In this sense, several events have called into question the independence and autonomy of prosecutors involved in investigations of human rights violations, particularly those involving paramilitary groups and public servants.

20. The Office of the Prosecutor-General's protection programme for victims, witnesses and others involved in criminal proceedings, as well as for its own officials, continues to fail to provide adequate coverage to protect its employees against threats, which may result in inhibition or self-censure regarding the investigations they are conducting, or even to a loss of objectivity and underestimation of the crime and the risk.

21. State policy on the battle against impunity requires clear commitments. In this sense, the Law on Security and National Defence also raises serious questions in this context, particularly by granting judicial police responsibilities and duties to the military forces, which fails to ensure the independence of judicial power and may have a negative effect on due process.

22. At the time of the Special Rapporteur's visit, the space for candid open discussion with the Government of Colombia on human rights was closing. The Government was failing in its obligation to guarantee the continuation of human rights activities in the country owing to the lack of protection provided to human rights defenders, minimal investigation into allegations and attacks, and even fewer prosecutions of perpetrators. This was described as "a manifestation of words but no concrete action".

23. When the Special Rapporteur raised her concerns about the recent changes in the Office of the Prosecutor-General, the Government reassured her that they would continue to support the work of the Human Rights Unit to tackle impunity. The Special Rapporteur urges the

Government to provide the Unit with the necessary resources and security to allow it to investigate cases, including cases of gender-based violence, and prosecute perpetrators of human rights violations, in compliance with its international obligations.

24. As the report is being finalized a military operation is being conducted by the Government of Colombia towards the demilitarized zone where for more than three years the unsuccessful peace talks between the FARC-EP guerrilla and the Commissioner for Peace, Camilo Gómez, have taken place.

25. The Special Rapporteur is concerned that the failure of the peace talks will see an increase in human rights violations as the conflict escalates. At this critical point in Colombian history the Special Rapporteur urges all parties to save the peace talks as the only way to resolve the conflict and as the ultimate way to protect the human rights of Colombians to life, liberty and security.

A. Status of women in Colombia

26. The Constitution and national law contain provisions on equality of the sexes, including in regard to political rights. In reality, however, women's representation is modest. Despite women's gains in the 1998 parliamentary elections (an increase from 16 to 19 seats in the 167-seat House of Representatives and an increase from 7 to 14 seats in the 102-seat Senate), women's participation in politics remains low. In addition, very few women in power incorporate gender issues in their public work since it is still a political risk in male-dominated politics. Women in politics also face stereotypical and sexist depiction in the mass media, which tend to comment on their "ability to seduce and call attention to their image" instead of their substantive capabilities.[3]

27. Women from urban areas continue to have access only to positions and areas of activity that enjoy less socio-economic prestige, lower income and fewer labour guarantees. This situation would explain the increased participation of women in non-remunerated and domestic work, as well as the increase in the number of women working in the urban informal sector. Also meriting special mention is the lack of correspondence between women's educational levels and the type of positions to which they gain access. Women rural workers are in an even more disadvantaged situation, not only vis-à-vis men, but also as compared to urban women. According to data received by the Inter-American Commission on Human Rights (IACHR), women rural workers have a higher rate of poverty, face greater workplace burdens in exchange for less remuneration, have low levels of job training, are affected to a greater extent by unemployment, and are among the most vulnerable social sectors in the situation of agrarian crisis, violence and armed conflict affecting the country.[4]

28. Furthermore, women from the indigenous and Afro-Colombian population suffer multiple/intersectional discrimination on the basis of gender, race, colour and ethnic origin and as internally displaced persons. Many suffer attacks on their villages especially those living in areas where the guerrillas are operating. The State has been accused of not consulting with indigenous leaders in regard to matters which concern them. They also are often deprived of access to health, education, employment and political representation. Women from indigenous

communities often need permission from their husbands to speak in public. Moreover, indigenous communities are very closed and rape cases are not denounced to outsiders.

29. In Colombia, domestic violence is still considered to be a private matter. Consequently, incidents are underreported and it is not possible to determine the full extent of the problem. According to information received by IACHR, less than half of battered women seek assistance and only 9 per cent of them lodge a complaint with the authorities. Neither the State nor society is sufficiently sensitive to the need to tackle the problem of domestic violence. Impunity for the perpetrators of acts of domestic violence against women is practically 100 per cent. Violence against women is part of the social context. Domestic violence is very common and, as in other countries, the level of violence escalates with the tension created by the ongoing internal conflict that impacts everyone's lives.

30. Sexual violence in Colombia is also a matter of special concern. In 1995, the Institute of Legal Medicine of Colombia issued 11,970 opinions in investigations of sexual crimes nationwide. Of the victims, 88 per cent were women, for a rate of 34 women per 100,000 population. According to the information received, it is estimated that there are some 775 cases of rape of adolescents annually, and that the rate of rape for this age group is 3.5 per 1,000 women. Nonetheless, only 17 per cent of the victims denounce such acts. It should be noted that of all such attacks on women over 20 years of age, 47 per cent are by relatives.[5]

31. Abortion is still a criminal offence in Colombia, punishable by from one to three years' imprisonment for both the woman seeking the abortion and the practitioner who performs it. The law provides for no exceptions, even in instances of rape, to save the life of the mother, or to avoid serious and permanent damage to her health. Abortion is the second cause of maternal mortality in Colombia according to Servicio Colombiano de Comunicación and Profamilia. The criminalization of abortion has a discriminatory effect on impoverished women: while women of higher socio-economic classes are able to obtain safe, though illegal, abortions, women with lower incomes are forced to seek dangerous backroom abortions. In addition, poor women are at a higher risk of pregnancy as a result of inadequate access to sex education and contraceptives. Although the social security system commits the Government to creating special informational programmes on reproductive health and family planning in less developed areas of the country, according to the information received from NGOs, these programmes were suspended in 1997. Observers point out that in abortion cases, opinions of the court are often coloured by Catholic religious arguments and cannot be said to be impartial.[6]

B. Legal framework

32. The Convention on the Elimination of All Forms of Discrimination against Women has been ratified by Colombia, incorporated into its legislation by law 04/81 and regulated by Decree 139/90.

33. Colombia is a party to the American Convention on Human Rights,[7] which embodies both civil and political, and social, economic and cultural rights. The Convention places an obligation on State parties to protect and guarantee the full enjoyment of those rights without any form of discrimination.[8] Consequently, under the Convention, the State has the obligation to protect women from socio-political violence, as well as from special forms of violence against women in public and private forums.

34. Colombia is also a party to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the "Protocol of San Salvador".[9]

35. More specifically in regard to gender-based violence, Colombia has ratified the Inter-American Convention on the Prevention, Sanction and Eradication of Violence against Women, the "Belem do Para Convention".[10] The Belem do Para Convention addresses violence against women and places specific obligations on State parties in this matter. Also noteworthy are the partial steps taken by Colombia through Law 249 of 1996 to prevent, remediate and punish family violence. However, non-governmental organizations have criticized the procedures established under Law 294 and state that notwithstanding some sporadic efforts to combat family violence, generally measures taken have not been effective.[11]

36. The new Penal Code includes crimes of war including sexual slavery and rape. However, the law must not only be put in place, but must also be used as an active tool to combat violence against women. According to information received during the visit no rape cases have been brought before the General-Prosecutor's Human Rights Unit to date, despite numerous testimonies.

37. Despite the progressive legislation to protect women's rights there continues to be a tremendous gap between the guarantees provided and reality. Violence against women continues to occur at alarming levels and is worsening in the context of the armed conflict. By virtue of its domestic legislation and the international human rights commitments it has adopted, the Colombian State is under an obligation to adopt initiatives to reduce the impact of this situation, until violence against women is finally eradicated.

III. IMPACT OF INTERNAL CONFLICT ON WOMEN

A. Forms of violence against women in the conflict

38. Testimony given to the Special Rapporteur by A:[12] *"A group of armed men broke down the door of our home while we were sleeping; they knocked over the furniture and broke everything. They tied my father to a chair. They opened my legs and tied one leg to the wardrobe and the other to the bed. They insulted and threatened us. They raped my sister and me. Later we realized the same had happened to our neighbours and a young girl from the village was taken to hospital for her injuries."*

39. Testimony given to the Special Rapporteur by B: *"500 paramilitaries arrived in our village because it is in guerrilla territory. They threatened us and took women to work for them. They killed girls, boys, men and women. We were not allowed to pick them up, the bodies were*

eaten by dogs. They hanged children and sexually mutilated bodies. Many women were raped. I faked a letter saying that I had to go to town as my aunt was very ill. The paramilitaries said I could only go if I left my daughter with them. I fled in the night with my three children. I live on *the outskirts of Cartagena; the conditions are very bad as the area is flooded most of the time; I have to tie the children to the bed to prevent them from falling into the water at night."*

40. Testimony given to the Special Rapporteur by C: *"The paramilitaries arrived in the town, they collected everyone together and put on some music and started to drink, they killed some chickens, raped some women, killed a few people and danced. Paramilitaries wore balaclavas. They forced women to cook for them. They only raped the young girls. Their party went on for four days. The bodies were already beginning to rot in the streets. Some of the bodies were burnt so they couldn't be identified. We heard a helicopter hovering overhead but no one intervened until the fourth day. The paramilitaries took off their masks and said that the military had arrived. Then cars, prosecutors and ICRC arrived in the village. We think that the military were preventing people from entering the village during the massacre."*

41. Testimony given to the Special Rapporteur by D: *"We have been living under extreme terror, there is only one way in and out of the barrio and it is controlled by the paramilitaries. People are dragged out of their homes and killed in front of their family and children. Shop owners have been killed for not paying the bribes. In the last two weeks, six women have been killed, some because of their alleged relationship with the guerrillas, others because they refuse to give sex. One girl was raped before she was killed; they took out her eyes, pulled out her nails and cut off her breasts. One boy had his penis cut off and put in his mouth. There is constant crossfire between the different armed groups, we can't sleep. We are afraid to leave the house to go to work or to send the children to school. When the police arrive everything is calm and the paramilitaries mingle with the police as they walk around the barrio. We need peace; the Government must do something."*

42. The conflict reproduces and deepens discrimination between the different groups and women suffer intersectional discrimination on the basis of their gender, and their ethnic and cultural origin. Although men are most frequently the victims of summary executions and massacres, violence against women, particularly sexual violence by armed groups, has become a common practice in the context of a slowly degrading conflict and lack of respect for international humanitarian law. Sometimes such violent acts are committed at the same time as massacres or as way of terrorizing or threatening women and communities. Testimonies from survivors indicate that some women were raped by up to six men; others were raped while tied up and their relatives, also tied up, were forced to watch them. Women are sometimes abducted by armed men and detained for a time in conditions of sexual slavery; they are raped and made to perform domestic chores. After being raped, some women have been sexually mutilated before being killed. Women are targeted for being the female relatives of the "other" side. Armed factions threaten and abuse women for being in solidarity with their husbands or partners, or because of the partner they have chosen, or for protecting their sons or daughters from forced recruitment. Furthermore, survivors describe how paramilitaries arrive in a village and completely control and terrorize the population; they reportedly commit human rights abuses with total impunity.

43. Sexual violence by armed groups against women, youths and girls has not been sufficiently highlighted: "Sexual violence against women, prostitution and sexual slavery have been justified in military occupied areas because of reasonable male needs or even encouraged and organized by high ranking members."[13] Women who are subjected to sexual violence by members of armed factions are forced to hide their tragedy for a number of reasons, predominantly because they fear the death threats they receive from those who rape them.[14] Rape survivors are often left pregnant and have to look after the child of the rape.

44. After a massacre in the town of El Saldo, in Bolivar province women survivors gave testimonies that they were raped. However, despite their testimonies no investigation was conducted by the State into the incident. Although official statistics do not exist there are very serious allegations and strong testimonies that all armed groups have perpetrated gender-based violence against women.

45. Women are often killed after the rape and therefore are documented as a murder statistic only; there must be a move to document what happened to the victim prior to death by including information contained in the forensic reports in the official statistics,[15] so a record is compiled of the various elements of the crime that is committed including the gender-based dimension.

46. In addition to the rape and abduction of women and girls carried out by all armed groups, the paramilitaries have begun practising other forms of control in the regions they dominate. They impose territorial limits on freedom of movement and impose curfews; if a curfew is broken women are raped and then killed. They impose strict codes of social conduct, including restrictions on what women may wear and penalties for "misbehaviour". They reinforce conservative values and the different gender roles expected of men and women. Women are not allowed to wear miniskirts, hipster jeans or tops which show their midriffs and anyone who disobeys that rule is taken to the paramilitaries' barracks and forced to cook and to wash the paramilitaries' clothes. They also operate social cleansing operations. For example, prostitutes and women accused of adultery have been paraded nude on trucks around the village with a sign around their neck saying that these women wreck homes. The police allegedly do not intervene and the local population has no recourse for justice. Furthermore, pregnant women who have been forced to remain in cocaine-growing areas under paramilitary control and who have been exposed to fumigation of the illicit crops reportedly have miscarriages, foetal malformations, skin problems and respiratory infections as a result.

B. Female combatants

47. Testimony taken from a former combatant, known as E: *E joined the guerrilla (FARC) at 13, tired of being ignored and mistreated by her father. She was looking for a way out, thinking things would change if she had a weapon. When she was 19, the guerrilla commander of her group took advantage of his position to take her away alone, far from the group, and there he raped her, beat her and then sent her home. He gave her the mission of seducing a member of the Colombian army in order to obtain information for the guerrilla. She did as she was told, but the guerrilla commander was not satisfied, because she had approached a low-ranking officer. The commander went to her house and complained violently. Her father intervened to stop him and the commander killed him and threatened her if she spoke. The day after her father's burial she gave herself over to the Colombian army, thinking this was her only way out.*

She thought she might have to pay a penalty and then would be free - a civilian. But after a few days the army gave her a uniform and told her that the only solution was to work for them. E felt she had no alternative.

48. *The army Colonel treated her cruelly and inhumanely: apart from her fulfilling the everyday tasks of any battalion member, he took E for his personal service (taking care of his clothes, cutting his toenails etc.). More than once, while he was drunk, he sent for her, but there was a member of the army who always protected her from being sexually abused by the Colonel. The Colonel told her that he could send her to jail or kill her if she failed to obey his orders. Each month the Colonel made her sign a payroll slip for the sum of approximately US$ 500, of which she received not a cent. At the same time she thought she had to obey in order to pay her penalty for having been in the guerrilla.*

49. *Later on, E was forced to participate in military actions, some of them against civilians. She stayed more than a year in this situation in the Colombian army until she managed to leave. Now she wants to go on with her life, but she does not feel safe, she lives in fear, she is terrified that the army Colonel will find her one day. She is very afraid for herself and her family.*

50. The Special Rapporteur took testimonies from girls who had been recruited and used by the armed groups as sexual slaves, combatants, informers, guides and messengers.[16]

51. Guerrilla groups are reported to have abducted young girls as companions for their leaders. Reports have also been received of girls being lured into the FARC and then abused. So-called "recruitment" is based on persuasion, as there is little other alternative. Self-defence groups/paramilitaries are also reported to have kidnapped girls and used them as sexual slaves; it is difficult to obtain formal complaints as those who have escaped live in constant fear of reprisals against themselves or their family.

52. For some girls, the male-oriented culture affects their attraction to uniforms, weapons and the power they represent. Girls often join an armed group thinking that, once they are a part it, they will be treated as equals and be given the same rights as men. They seek to overcome exclusion and disregard life in their own families, where they can only be associated with domestic roles. Several of the girls interviewed, who were former combatants, admitted to having been victims of family violence or abused by a relative.[17]

53. When armed groups seek to increase their forces, children from rural areas[18] and from economically deprived urban groups, become an easy recruitment catch. The armed groups make promises about giving the children an education and a chance for a brighter future. Establishing the difference between voluntary or forced recruitment is no easy task. In general, children are forced into enrolling by poverty, family violence, exclusion, family break-up, lack of opportunities and services, insufficient or low quality health care and education, or lack of adequate employment opportunities in accordance with ILO standards and Colombian legislation. Within this context, armed groups become the only economic alternative for them and their families. Other children join armed groups for political reasons or to avenge the deaths of family members.

54. There are no precise figures available concerning the numbers of children who are part of armed groups. Some sources estimate that a total of 6,000 children[19] participate in the existing armed factions.

55. The testimonies provided by former combatants show how, while they were members of an armed group, they were subject to different types of violence because of their gender, such as sexual abuse and/or harassment by superiors. The Government has enacted new legislation criminalizing acts of sexual abuse against children, which is a welcome move to try and address the problem. However, it will require implementation and additional resources before any changes will be seen.

56. Forced birth control is another type of gender-related violence girls suffer within armed groups. According to the People's Advocate Office, the majority of girls no longer belonging to guerrilla groups in Surata, Santander, were sexually active and some had an interuterine device (IUD). The girls reported that the guerrillas had provided them with contraceptives periodically. Moreover, approximately 70 per cent of these girls had sexually transmitted diseases. Forced abortion is also common in armed groups. If a woman wants to keep the child, she must escape. the Special Rapporteur heard that many women have died trying to escape and protect their unborn child, as camps can be 15 to 20 days walk from a settlement where they can seek assistance.

57. Two years ago, the Colombian Family Welfare Institute (ICBF) began a pilot project for children and youth former combatants who were captured, have voluntarily surrendered or whom the parties to the conflict have handed over to State agencies.[20] The type of assistance provided under this project takes account of gender. The project has a legal and legislative framework that supports any action aimed at protecting essential rights of children and youths no longer taking part in the conflict. The project also provides them with personal and psychosocial assistance.[21]

58. Estimating the number of former combatants is difficult as not all of them use the mechanisms offered by the authorities or report to these authorities.[22] According to UNICEF estimates, 208 cases of child demobilization were registered between May 1996 and November 1998.[23]

C. Female internally displaced persons

59. The situation of internal displacement in Colombia is among the gravest in the world. There are over a million internally displaced persons in the country, with new displacements continuing to occur. The vast majority of the displaced have been uprooted from their homes in the last few years because of the sharp deterioration in the security situation. The problem, however, is a long-standing one, stretching back decades.

60. Political violence associated with internal armed conflict and characterized by serious violations of international human rights and humanitarian law is the primary cause of displacement. However, displacement in Colombia is not merely incidental to the armed conflict but is also a deliberate strategy of war. Indeed, rarely is there direct confrontation among armed

groups (that is, the paramilitaries, guerrilla groups and the armed forces/police). Rather, these armed groups attempt to settle their scores by attacking civilians suspected of being associated with the "other" side and they do so with such severity as to leave those whose physical security is threatened with no choice but to flee.

61. Armed factions use violence or threaten to use violence to control territories and population throughout the country. According to the Social Solidarity Network (RSS),[24] displacement in 2001 was due to: generalized threats (44 per cent), armed conflict (15 per cent), mass killings (9 per cent), specific threats (5 per cent) and attacks on municipalities (3 per cent). Massacres are the single most common reason for population displacement (an average of 224 people displaced per massacre). Paramilitaries (between 46 per cent and 63 per cent),[25] guerrillas (between 12 per cent and 13 per cent) State agents (0.65 per cent) and unknown agents (19 per cent to 24 per cent) are among those allegedly accountable for displacement.

62. For an impoverished rural population, fleeing towards cities seems to be the only way out of this chaos. Rural families flee in silence, going to the cities, each family seeking refuge on its own. There are no large welfare centres monitored by UNHCR or other agencies available to receive the displaced population. In Colombia individual and dispersed displacement prevails.

63. Yet, the threats to physical security which the displaced flee to escape often follow them into the communities in which they seek refuge. The very fact of having fled typically heightens suspicions of allegiance to a particular armed actor and intensifies the risk of being targeted. Stigmatized and fearing for their lives, many of the displaced seek safety in anonymity, attempting to blend into communities of the urban poor. Having abandoned their homes, property and livelihood for conditions of destitution and continued insecurity, they constitute an extremely vulnerable segment of society. Displaced persons have begun to organize to defend their rights, but the leaders of their organizations and those of the local NGOs who try to help them are increasingly being targeted and killed by armed groups.

64. There has been a dramatic increase in the flow of displaced persons since the 1980s. The geographic areas from which they come have also shown an alarming expansion.[26] The total number of displaced persons in Colombia is estimated to be somewhere between 720,000 and over 2 million, depending on the source (governmental or non-governmental) and the period under study (the last 5 years for the first figure and the last 15 years for the second figure).[27] CONPES[28] document 3057 dated November 1999 estimated a total of 400,000 displaced persons in Colombia requiring assistance and almost 25,000 families who have fled annually since 1996 (125,000 people). Between 30 per cent and 50 per cent of these people are in the larger cities and their surroundings while the remainder are mostly in small urban centres.

65. Both RSS and the Advisory Office for Human Rights and Displacement (CODHES)[29] indicate the ongoing increase in the number of displacements during the past years as well as an increase in the number of persons displaced. According to RSS, 190,454 people were displaced during 2001. This is a 48 per cent increase in the number compared to the year 2000 and a 118 per cent increase in the number of displacements.[30] CODHES estimates for 2000 reach a total of 315,000 people, while the estimate for the first semester of 2001 reaches a total of 191,928 displaced persons. This means an increase of 34,210 people, 60 per cent more than during the first semester of 2000.

66. Of the 60,623 displaced persons registered in the Information System on Population Displaced through Violence in Colombia (RUT) by the National Social Pastoral Secretariat, 29,683 are women - 24,392 of them of mixed race - 4,666 Afro-Colombians and 635 indigenous; 51.59 per cent are children - 16,257 boys (52 per cent) and 15,015 girls (48 per cent).[31]

67. There are, however, several problems with the figures: they are cumulative figures, hindering any possibility of estimating cases in which persons have been displaced more than once (displacement/return/displacement processes are frequent among displaced persons who arrive finally in large cities); there is no information available regarding those who return spontaneously or were relocated. And even if the information gathered is differentiated at the source, this information is not processed to show the different impact of displacement on men and women. Furthermore, women displaced alone or who are heads of households are under-registered because they fear informing the authorities.

68. The vast majority of the displaced population are women and children, and most are left to fend for themselves with little, if any support. Estimates concerning the proportion of displaced women in Colombia range somewhere between 49 per cent and 58 per cent of the total displaced population.[32] Displaced women and children together account for 74 per cent of displaced Colombians[33] who need special assistance. The figure can reach 80 per cent when the displaced population found in large urban areas is included.

69. Displacement has the effect of eroding traditional family structures, particularly when male members of the family have been killed, have disappeared or have been compelled to seek safety or work elsewhere.

70. According to information provided to the Special Rapporteur, difficulties faced by the displaced population are exacerbated for women by gender discrimination in society. It is estimated that one in three families are female-headed households; many female heads of household are widows from rural areas who flee to the cities and have to face the harsh urban reality. Individual displacement is often invisible as they do not register and slip into the cities in the hope that it will provide them and their families with some protection. A study made on the displaced population in Bogotá found that 40 per cent of the women who were heads of households were widows who had fled with their children after their husbands died violently, while 18 per cent had been abandoned after arriving in the city.[34] Women who are separated by their displacement - either individually or with their family - are far more vulnerable than those who flee in the midst of a large and relatively organized group (such as in certain regions of the Middle Magdalena and Uraba). In this context, in May 2001, UNHCR organized the Survey of Displaced Women and Principles Governing Displacement, with support from the agencies that are part of the Displacement Group. Many of the results of this survey are reflected in the present report.

71. Information on children and displacement is also scarce. According to the Information and Displacement Follow-Up System (SIDES), 13 per cent of displaced children in 1998 were under 5, 20 per cent were between 5 and 9, 13 per cent were between 10 and 14, and 9 per cent between 14 and 18 years of age.[35] UNICEF believes that there are some 6,000 children, mostly

aged between 14 and 18, in illegal armed groups. Many of them come from displaced communities. Several studies have shown that displacement is relatively common in parents who try to avoid illegal armed groups recruiting their son or daughter.

72. The lack of safe and appropriate conditions in the different settlement areas leads displaced persons to return to their homes under minimum-security conditions or with no security at all. Return, relocation or socio-economic reintegration programmes currently do not fully meet women's needs. This is all the more serious considering the cultural disadvantage to which women have historically been subject, as well as the existing limitations on women's enjoyment of their rights.

73. Most of those who suffer displacement, particularly indigenous and Afro-Colombians, are agriculture oriented and depend on land for their self-support and organization. With regard to the protection of territories belonging to ethnic groups for example, Paz del Atrato communities in Uraba and Cacarica (Choco) already have collective property rights. But in both cases, women's rights to these lands have not been appropriately guaranteed. In the event of separation or abandonment, women and children will be left in an extremely precarious situation regarding land.

74. Women, especially women from rural areas cannot access personal documents or registration very easily. These women consequently face greater difficulties in obtaining land titles, loans, a home and health and education services. This problem is worse for indigenous women and those of African descent because of cultural barriers that deepen inequalities. Additionally, family abandonment and lack of paternal acknowledgement is a common problem for child registration and for the displaced child's right to a name.

75. Programmes that connect the emergency situation with the quest for medium- and long-term solutions for the displaced are not adequate. While many projects aimed at attaining socio-economic stability tend to support communities' efforts to return to their place of origin, initiatives in urban areas addressed at integrating groups of displaced persons are scarce. This situation contrasts with the vast majority's lack of possibilities to return or relocate. Municipalities barely participate in the search for solutions to integrate those who have suffered displacement. Municipal teams believe that creating displacement assistance programmes will only attract more displaced people to their municipality.

76. Return relocation or socio-economic reintegration projects in general fail to address women's needs adequately. Adolescents are faced with a more serious situation, as they lack any training and employment programmes. Project impact is scarcely followed up or assessed, hindering access to differentiated, trustworthy data regarding the true scope of any initiative in favour of internally displaced persons.

77. Humanitarian assistance is provided by the Government, in cooperation with ICRC, to displaced persons during the first 90 days of their displacement (under Decree 2569, of December 2000), certain categories of persons may apply for an extension for a further three-month period, but the assistance is said to be far from satisfactory and in need of review. Emergency assistance reaches only a minority of the newly displaced. After 90 days, the displaced must fend for themselves. In recent years, the Government has enacted a law and

issued several decrees that outline its responsibilities to the displaced. However, its record on implementing them has remained poor. Regional and local authorities rarely do anything to help the displaced, in part because they have few resources with which to help.

78. According to many women who spoke with the Special Rapporteur, registration with the State as IDPs would normally be done by men and the stories of persecution and reasons for flight would therefore often not reflect the female experience. The male experience thus serves as characteristic of the entire displaced population. Women also reported that if their husband left them they would have to register again. They mentioned that that would be difficult as they did not have personal documentation and thus no access to any security net or protection that might normally be provided by the State .

79. The victims of internal displacement who have suffered most from loss of their identity, even more than men, are traditional peasant women, particularly those who have been widowed through violence.[36] Notwithstanding their grief, these women have to safeguard the family's physical survival and build a new social identity in an unknown and hostile urban environment. Displaced men on the contrary, have greater geographic mobility and more social and political experience and are stronger in facing ruptures with their social and rural environment. Men feel the impact of displacement through unemployment, which deprives them of the role of economic providers.

80. Women, and in particular Afro-Colombian and indigenous women, have limited access to general health systems and the quality of services is worse for those from minority communities. Health concerns brought to the Special Rapporteur's attention included reproductive health, malnutrition and mental health. Little is being done by the State to provide trauma counselling for women who have suffered from the impact of the conflict. On a limited basis, UNIFEM, UNFPA and UNHCR provide reproductive health care and psychosocial and economic support for women and girls. However, as women and girls are disproportionately affected and displaced by conflict the humanitarian assistance is inadequate to meet their specific needs. Reproductive health services are crucial to save lives and prevent illness.

81. The Special Rapporteur recalls that, in accordance with the Deng Principles on Internal Displacement, article 10 of Law 387 of 1997 states the need to provide special assistance to women and children, particularly to widows, women heads of households and orphans. Article 17 provides for the direct access of those displaced to government social offers and particularly to social and health assistance, education and rural and urban housing, and programmes for children, women and the elderly, in order to achieve socio-economic stability.

82. The Action Plan for the Prevention of Internal Displacement and Assistance to the Internally Displaced (CONPES document 3057/99) includes measures for humanitarian assistance that bear in mind age, gender, disabilities and ethnic group. The Plan Colombia document on projects for the prevention of internal displacement and assistance to internally displaced persons (March 2000), and RSS programmes and policies in general, state the need to focus on designing and implementing plans and action from a coherent "population and territorial" perspective consistent with the social and territorial variety of internal displacement. Additionally, and notwithstanding differentiated assistance according to gender, age and ethnic

group, included in some policy documents, both programmes and projects set their priorities on *families*, creating obstacles for displaced women who need to access State services on their own.

83. In the light of the magnitude of the problems faced by female displaced persons, the Special Rapporteur encourages and supports the work of the Inter-Agency Working Group on Gender and Displacement, which is a thematic group within the Working Group on Displacement. The membership consists of United Nations agencies, ICRC and civil society organizations, including the Working Group on Women and Armed Conflict. The Inter-Agency Working Group creates a space where the efforts of different actors can converge and strengthen each other's work.

84. During her visit, the Special Rapporteur interviewed female IDPs, who spoke openly to her about their lives: the incredible losses, grief, uncertainty, fear, violence, discrimination faced in the host community, dreams for the future and hopes for their children. Going into one of the IDP squatter camps on the outskirts of Cartagena gave the Special Rapporteur an opportunity to see the reality of life there. Displaced communities live in particularly precarious conditions, on wasteland that is constantly flooded, without access to basic facilities such as water, electricity, sanitation and medical services. Children often have no access to regular schooling.

85. The difficult living conditions for IDPs in squatter camps on the fringes of the cities and the fact that most of the men face unemployment have led to an increase in intra-familiar violence in these communities. Women and children are the main victims of family violence. A survey published by PROFAMILIA[37] in August 2001 on the situation of displaced women indicates that one out of every two women surveyed has suffered physical abuse from her spouse and 20 per cent of pregnant women were subjected to physical violence during their pregnancy.

86. The Special Rapporteur also heard reports that women and young girls from the IDP communities are vulnerable to being trafficked into forced prostitution in tourist centres in Colombia and abroad.

IV. SOCIAL SUPPORT FOR VICTIMS OF GENDER-BASED VIOLENCE

87. At its 1996 session, the Commission on Human Rights requested OHCHR to establish an office in Colombia on the basis of an invitation extended by the Government. This Office was established on 26 November 1996 under an agreement signed by the Government and the then United Nations High Commissioner for Human Rights. Under the terms of that agreement, the Office monitors the human rights situation and the observance of international humanitarian law in order to advise the Colombian authorities on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in the context of violence and internal armed conflict in the country. The agreement also stipulates that the High Commissioner submit an annual analytical report to the Commission on Human Rights. The agreement between the Government and the High Commissioner has been extended, for a fourth time, until April 2003.

88. Since November 2001, the Office has greatly increased its work in regard to women's rights. It established a focal point to work on gender issues and, in particular, to assist, from the gender perspective, in analysing, evaluating and reporting on the human rights situation and in

case follow-up, in coordination with all the areas of the Office and other focal points. The gender focal point also participates in the Working Group on Women and Armed Conflict and the Working Group on Gender and Displacement. The Special Rapporteur would like to give special thanks to the gender focal point for the preparation and support provided during her visit to Colombia.

89. The Office is developing a women's rights awareness-raising programme, to improve communication between the State authorities, NGOs, women's organizations and the Special Rapporteur on violence against women. In this context, a publication entitled "Women's Rights" was issued in 2001 which includes international instruments on women's rights. It has been distributed within the women's organizations in Bogotá, Cali, Medellín, Cartagena and other cities. A fact sheet on women's rights will also be issued soon.

90. The general human rights situation in Colombia has deteriorated during the past year; there have been many attacks on human rights defenders. Women's organizations, especially peasant, indigenous and Afro-Colombian women's organizations, and their leaders, are subject to systematic intimidation and persecuted for the work that they do to defend and improve living conditions for their communities. Members are not the only ones directly affected. Women's children, husbands or partners have also been murdered as a result of the woman's social and political activities. This is the case of NGOs such as the Women's Popular Organization (Organización Feminina Popular) (OFP), the National Association of Peasant and Indigenous Women of Colombia (Asociación Nacional de Mujeres Campesinas e Indígenas de Colombia) (ANMUCIC) and the Santa Rita Foundation for Education and Promotion (Fundación Santa Rita para la Educación y Promoción) (FUNSAREP).

91. In their effort to gain social and political control of territories under dispute, armed groups target women's organizations as a visible obstacle, deeply rooted within the communities, which they try to use for their benefit or alternatively destroy. Women's organizations that do not bow before the interests of armed groups are forced to carry on their activities in permanently unsafe conditions and are increasingly forced to abandon or transform their organizational procedures.

92. From January 2001 onwards OFP[38] has received threats. Precautionary measures were issued by the Inter-American Court in regard to their case. In August 2001 government security forces allegedly entered OFP offices, threatened staff and took the mobile phones which had been issued for their protection. The organization's security situation remains precarious.

93. This type of female participation has become a hazardous activity, exposing women to multiple human rights violations and breaches of international humanitarian law by the parties to the conflict. The Special Rapporteur is concerned that the increasing and frequent aggression against women's organizations by armed factions has multiple, simultaneous and disproportionate effects on women's participation. While violence and discrimination against women deepen, social procedures are set back and peace constructing efforts are hindered. In this context, appropriate protection is required urgently to ensure women's right to equal social and political participation.

94. The Special Rapporteur held long discussions with the Working Group on Women and Armed Conflict, a group examining the multiple forms of violence during the conflict in an attempt to draw attention to the impact of the conflict on women. The Working Group was created in September 2000 with representatives of the following local organizations: Joan of Arc Association, National Association of Colombian Indigenous and Peasant Women (ANMUCIC), the Women and Family Programme of the National Peasant User Association - Reconstruction Unit (ANUC-UR), Women's Home Corporation, Former Combatant Women Collective Association, Maria Maria Collective Association, Colombian Commission of Jurists, Education and Development Foundation (FEDES), Humanizar, ILSA, Human Rights Institute of the Public Administration Academy (ESAP), Women's Peaceful Route, International Women's League for Peace and Freedom (LIMPAL), Bolivar Displaced Women's League, Women's Popular Organization (OFP) and Bogotá National Women's Network, among others.

95. International bodies such as UNCHR, OHCHR, the Office for the Coordination of Humanitarian Affairs (OCHA) and international cooperating agencies such as Project Counselling, Terre des Hommes, Save the Children and State agencies such as the Office of the People's Advocate and the Gender Study Programme of the Colombian National University also participate in the Working Group on Women and Armed Conflict as observers.

96. Since May 2001, the Working Group has worked to document cases of socio-political violence suffered by women in Colombia, motivated by the lack of government action to bring to justice the perpetrators of gender-based violence. During her visit the Special Rapporteur noted serious shortcomings in the judicial system and in police practice. She was extremely impressed by the work of the Working Group on Women and Armed Conflict and recommends that the relevant authorities work with the Working Group to eliminate violence against women.

97. Many of the NGOs with which the Special Rapporteur met represent and work with women victims of violence or are composed of women themselves victims of violence and former combatants, all of whom have seen the importance of being united in their common striving for justice and an end to the conflict. The Special Rapporteur believes the Working Group is a very important initiative and that its combined expertise should be utilized by others trying to mainstream gender and women's rights into their programmes.

98. When the Special Rapporteur enquired what the priorities of Colombian women's organizations were, they all replied that they were to seek justice for victims of political violence, to end impunity for human rights violations and to achieve peace and an end to the decade-long conflict.

99. In conversations with the Special Rapporteur, government representatives told her that they had a human rights policy, to strengthen a culture of respect for international humanitarian law and human rights as the first step towards a peaceful solution to the conflict. In this context, the Special Rapporteur encourages them to provide training on gender-based violence for the police and military.

100. The government representatives emphasized that the Government was making great efforts towards peace and had taken action against self-defence groups (paramilitaries). However, they admitted that those groups continued to be an integral part of the conflict. The representatives expressed their hope that the implementation of the San Francisco agreement would contribute towards a peaceful resolution of the conflict.

101. The Special Rapporteur agrees with the Committee on the Elimination of Discrimination against Women, which expressed its concern that, in spite of the various efforts made, the Government of Colombia still had limited ability to implement statutes sanctioning family violence. Furthermore, it noted that the Family Commissioner's offices lacked the necessary human and financial resources to meet their mandate and were not subject to any supervision by competent State authorities. Consequently, victims did not receive appropriate attention. The Committee stressed, moreover, that the Government should intervene with the purpose of reducing violence against women, making the necessary investigations and supporting the victims of this type of violence.[39]

V. CONCLUSIONS AND RECOMMENDATIONS

102. In conclusion, the Special Rapporteur would like to address a popular misconception in regard to the role of gender-based violence in the conflict. Some of the Special Rapporteur's interlocutors during her visit were of the opinion that gender-based violence in the context of the conflict is not an issue in Colombia. Others thought that the situation is not comparable to other recent conflicts (in the former Yugoslavia and Rwanda) as the Colombian conflict is not ethnic in nature; in Colombia, where one group tries to destroy another it is more due to economic differences and a war between the haves and the have-nots. The Special Rapporteur agrees to a certain extent with the latter view, insofar as she did not receive information that women were raped to make them pregnant and then held in captivity so that they would give birth to babies of the enemy, as was the case in the former Yugoslavia and which has been called genocide by the International Criminal Tribunal for the Former Yugoslavia. However, the Special Rapporteur did take testimonies of sexual slavery, sexual mutilation, forced nudity, the imposition of strict dress codes, forced abortions and forced contraception, all of which are serious crimes in international law and should be prosecuted by the Human Rights Unit of the Office of the Prosecutor-General.

103. Violence against women is widespread and systematic. The Special Rapporteur is extremely concerned about the current level of impunity for violations of women's rights, especially those that take place in, or are aggravated as a result of, the armed conflict in Colombia. She is concerned about the criminal justice system's treatment of women and the reported low level of conviction for rape and other forms of gender-based violence. The failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women, including rape and domestic violence. It is essential that cases of gender-based violence are investigated and the perpetrators brought to justice.

104. Training is urgently needed for all branches of the criminal justice system and the military in regard to gender-based violence and the human rights of women, in accordance with the State's obligations of due diligence to prevent, investigate and prosecute all acts of violence against women. Such a training programme could be integrated into the human rights training programme already under way.

105. The situation of displaced women and the situation of women and girls who are combatants and former combatants must be addressed as a matter of priority.

106. The Special Rapporteur was surprised and deeply concerned at the lack of interest in this subject on the part of all involved in the conflict, and the wider Colombian community and media. Gender-based violence has many consequences for women survivors which need to be addressed. The international organizations and the donor community have a responsibility to analyse the impact of the conflict on women. Local women's organizations are working together, for example in the Working Group on Women and Armed Conflict, to collect comprehensive data, and their expertise and access to survivors of violence will be of great value to all those seeking to understand and intervene in the conflict. Furthermore they have an important role to play in the peace process and should be invited to participate in it so that the views of women are heard.

A. At the national level

107. All parties to the conflict must take measures to protect women and girls from rape and other forms of gender-based violence, including instructing all the warring factions to respect international humanitarian law. Rape, forced contraception and sterilization, forced prostitution, sexual slavery and other forms of gender-based violence are serious breaches of international humanitarian law. The Special Rapporteur urges the armed factions to state publicly that rape in the conduct of armed conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances, and that anyone who commits rape will be brought to justice.

108. The Special Rapporteur encourages all parties to the conflict to subscribe to a global accord on the subject of human rights and international humanitarian law. This accord should include special protection from gender-based violence and slavery.

109. The State should take immediate and concrete steps to combat the extremely high level of impunity that exists in regard to violations of women's rights.

110. The State should guarantee an independent justice system in charge of investigating and sanctioning those responsible for violations of women's rights. The Special Rapporteur calls upon the authorities of the three branches of State power firmly to respect and guarantee the autonomy and independence of judicial officials, ensuring that the judicial branch's inherent power to administer justice is reflected in the laws, decisions and actions that the State adopts or enacts. Likewise, she urges the State to adopt the measures needed to investigate, punish and make amends for grave human rights violations and breaches of international humanitarian law, through the rulings of the ordinary justice system and by preventing impunity.

111. The State should take all measures necessary to ensure, consistent with its international obligations, that jurisdiction of the military justice system is limited to crimes truly related to military service. In this regard, the State should ensure that cases involving serious human rights violations are not processed by the military justice system.

112. The State should ensure the full and effective implementation of domestic legislation that protects women against violence.

113. The State should increase funding for the Human Rights Unit of the Office of the Prosecutor-General, including for the witness protection programme, travel, communications equipment, security and evidence-gathering capability. The work of the Human Rights Unit has contributed to the protection of human rights and accountability for serious crimes, yet in recent times prosecutors and investigators have had their budgets cut and lack the resources to investigate fully cases assigned to them. The Special Rapporteur encourages the unit in its future work, which is vital to uphold the rule of law.

114. Because of the pervasiveness of sexual and gender-based violence in Colombian society, the particular expertise necessary to investigate, evaluate and prosecute these crimes effectively, and the persistent tendency to marginalize them, it is essential that the Prosecutor-General appoint a high-ranking legal adviser on sexual and gender-based violence. The establishment of such a mandate would be consistent with the recommendations of the 1993 Vienna World Conference on Human Rights and in the Beijing Platform for Action that special mechanisms be developed to ensure the full integration of gender into human rights institutions. The adviser would emphasize to the criminal justice system the unacceptability of excluding gender-based crimes against women from the justice system. There is a common misconception that rape is less important than other crimes committed in the conflict and not worth investigating.

115. The State should develop systems for the compilation of statistics to record what happened to female victims prior to death in massacres, in order to reflect truly the widespread nature of gender-based violence in the conflict.

116. The State should intensify its efforts to combat paramilitary groups effectively and to ensure that persons suspected of human rights violations, including members of the Government, are prosecuted in civilian courts. Operative groups should be established in areas under paramilitary control to tackle the problem directly and end the human rights abuses. Considering the high proportion of human rights violations perpetrated by paramilitary groups, the State should adopt a decisive policy of unmasking these groups. Any State officials found to have links with paramilitary groups should be removed from their post, investigated and sanctioned.

117. The State should provide greater support and protection for human rights organizations that work with women and on women's human rights issues. The work currently underway in the areas of research and the production of materials on women's rights, and the documentation of women's experiences of conflict, is seen by certain actors as contentious and adequate thought needs to be given to addressing the risks to the people who conduct this work and to providing them with appropriate support. Much valuable work is done in remote areas by women's organizations at the grass-roots level and they deserve appropriate protection measures and support systems. Tackling impunity and prosecuting gender-based violations will send a

message that these crimes will be taken seriously. Serious priority and commitment must be devoted to understanding the risks, implementing preventive measures and providing protection.

118. In this regard the Special Rapporteur supports the recommendations made by the Inter-American Commission on Human Rights that the State:[40]

(i) Guarantee access to, and the efficiency of, the special measures included in local legislation for the protection of the psychological and physical integrity of women subject to threats of violence;

(ii) Develop training programmes for police and judicial officials on the causes and consequences of gender violence;

(iii) Guarantee due diligence in all cases of gender violence so that these cases will be subject to prompt, complete and impartial investigations, resulting in sanctioning of perpetrators and reparations for victims;

(iv) Ratify the Statute of the International Criminal Court, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

119. The Special Rapporteur calls on the State to comply with its existing international obligations under international human rights law by harmonizing all relevant provisions of Colombian domestic law with international standards. In this respect, the Special Rapporteur strongly urges the Government to cooperate with non-governmental and women's organizations in the law reform process.

120. The Special Rapporteur calls on the State to comply with the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women, inter alia that the criminal statute regulating abortion should be reviewed and adjusted to meet the standards set forth in the Convention on the Elimination of All Forms of Discrimination against Women.[41]

121. The Special Rapporteur urges the Government, NGOs and United Nations agencies to carry out research and publish empirical findings on incidents of violence against women in order to assess the real nature of the problem facing Colombian society.

122. The Special Rapporteur calls on the State to increase its efforts to protect women from gender-based violence. To eliminate gender-based violence, both the legislative and other aspects of the problem need to be incorporated in measures undertaken by the State. Currently the lead in documenting cases and providing assistance to the survivors has been taken by civil society. The State must act with due diligence and improve institutional structures to resolve the problem of a gender-based violence. In addition to legislative and social protection measures, it is necessary to conduct education and training for the criminal justice system and civil society, and to inform women of the legal remedies available to them.

123. The Special Rapporteur calls on the State to ensure the effective enforcement of the principle of equality and non-discrimination, and to implement a comprehensive gender policy. She urges the State to fight the inequalities that currently exist between men and women, especially in the areas of education, employment and political participation, and to establish mechanisms that measure the impact of the measures adopted.

124. The Special Rapporteur urges all parties to the conflict to abide by and ensure the enforcement of the Guiding Principles on Internal Displacement. She reiterates the need to implement fully the recommendations made by the Representative of the Secretary-General of the United Nations on internally displaced persons to the Government of Colombia and armed groups of Colombia. These include special attention to the particular needs of women and children, who make up the majority of the displaced population. The State must adopt effective measures to guarantee that the particular security concerns of women and girls displaced by the conflict are met, including measures against rape and trafficking.

125. The Special Rapporteur also supports the recommendation made by the Committee on the Elimination of All Forms of Discrimination against Women that existing programmes be expanded with a view to improving the status of rural women, particularly among displaced populations, and that attention be focused as a matter of priority on rural women with a view to improving their health, education and quality-of-life indicators.[42]

126. The Special Rapporteur calls for the development and implementation of programmes for the social reintegration of former female combatants. The support provided to girl former combatants should include evaluating past experiences. If these experiences are denied or treated as social maladjustment, or are managed with guilt and resentment, these girls are denied the possibility of understanding their experiences within a political and historical context and of coming to terms with them.

127. The Special Rapporteur urges all parties to the conflict to support women's participation in the peace process, in accordance with Security Council resolution 1325 (2000) of 31 October 2000. Women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. Women's representation at the negotiating table is crucial as the sine qua non of gender equality and inclusion. Women should participate in every capacity to promote gender-sensitive and gender inclusive responses to the conflict, the peace process and violations, without threat of further violence and egregious attacks.

B. At the international level

128. The OHCHR Office in Colombia should build on the work of the gender focal point and fully incorporate a gender perspective into all areas of the Office's work. The Office should continue systematically to monitor and report on issues of gender-based violence and give priority to the verification of gender-based violations, to ensure that the perpetrators of gender-based violence are held accountable for their crimes.

129. All international organizations working in Colombia should protect and support the delivery of humanitarian assistance for women and girls affected by the conflict, in particular internally displaced women. Women's human rights should be central in the planning of reconstruction and rehabilitation programmes.

130. The international community should increase funding for programmes that address the needs of victims of gender-based violence, including medical care, trauma counselling, education, vocational training and income-generating schemes.

Notes

[1] Committee on the Elimination of Racial Discrimination, Concluding observations on the eighth and ninth periodic reports of Colombia, 20 August 1999, (A/54/18, paras. 454-481), para. 456.

[2] Violence in Colombia 1990-2000: Waging War and Negotiating Peace, edited by Charles Berquist, Ricardo Penaranda and G. Gonzalo Sanchez, A Scholarly Resources Inc., 2001.

[3] International Women's Rights Action Watch country report 1999.

[4] Inter-American Commission on Human Rights, Third report on the situation of human rights in Colombia 1999, OEA/Ser.L/V/11.102, Doc. 9 rev. 1, chap. XII, paras. 22-23.

[5] Ibid., paras. 44-45.

[6] International Women's Rights Action Watch country report 1999.

[7] Ratified by Colombia on 31 July 1973.

[8] Article 1.

[9] Ratified by Colombia on 23 December 1997.

[10] Ratified by Colombia on 15 November 1996 and entered into force in December of the same year.

[11] Humanidad Vigente Corporación Jurídica, "Alternative report on Colombia" for the Committee on the Elimination of Discrimination against Women (CEDAW), 1999, para. 2.6.

[12] Letters are used instead of their names to protect persons who testified to the Special Rapporteur on violence against women from any potential reprisals.

[13] Tamayo, Giulia, "*Mujeres Bajo Entornos de Conflicto, Pos Conflicto y en Zonas Militarizadas: Experiencias de América Latina*". Paper prepared for a workshop organized by the World Bank "Gender, Conflict and Building Sustainable Peace: Latin American Experiences". Bogotá, 8-9 May 2000, p. 6.

[14] National Women's Network, Cali, Corpomujer, Grupo Amplio, Alfa Corporation, Gestar, Women: Yes!, Germinating South, Mavi Agenda, Peace and Welfare Foundation, Melendez Popular Cultural Centre, Mustard Seed Corporation, Latin American and Caribbean Woman's Network, Centre for Multidisciplinary Gender Studies of Antioquia University, Letter to the high-ranking commanders of the country's armed groups. Cali, May 2001.

[15] During the visit, the police agreed to forward a forensic report to the Special Rapporteur which would give more information about what had happened to female victims prior to death. Unfortunately, however, the forensic report has not arrived and therefore statistics on this issue cannot be included in this report.

[16] For more information on the recruitment of children, see reports of the Special Representative of the Secretary-General on the impact of armed conflict on children, the Inter-American Commission on Human Rights, the NGO-Coalition report, Human Rights Watch and the report of the High Commissioner for Human Rights on the office in Colombia of 9 March 2000, E/CN.4/2000/11, para. 90; see also Report of the Special Representative of the Secretary-General for children and armed conflict, A/54/430, paras. 122-127, Organization of American States/Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia, 1999, pp. 332-335; Human Rights Watch, "Children affected by armed conflict", 31 March 2000.

[17] Exact data concerning domestic violence suffered by former combatant girls that led to increasing their desire to leave their home and join an armed faction were the subject of analysis by the Procurator General's Office and the Colombian Family Welfare Institute (ICBF), and will be published soon. The investigation gathered some 150 testimonies from children and youths no longer taking part in the armed conflict, as well as testimonies provided by judicial authorities and ICBF officials, armed groups and the children's families.

[18] According to ICBF, 95 per cent of the former combatants come from a rural background.

[19] This figure was used by the United Nations in 1999, during the visit to Colombia of the Special Representative of the Secretary-General on children and armed conflict, Olara Ottuno.

[20] This project has been guided by the People's Advocate Office (Office for Women and Children) and receives support from some NGOs and agencies. It has not been an easy process: ensuring that these children can reintegrate and enjoy their rights fully is extremely difficult.

[21] The Congress currently has before it an important bill (presented by Senator Rafael Orduz in November 2001): "Bill to issue legal statutes for the protection of and comprehensive assistance to recruited children and adolescents or to children and adolescents who have been forced to take part in the hostilities or who are no longer ranked within an armed group taking part in the internal armed conflict."

[22] Esperanza Delgado Hurtado, paper presented at the International Symposium "*Jovenes en Conflicto y Alternativas de Futuro*", Cali, 29-30 March 2001.

[23] Ibid.

[24] Joint Technical Unit (UTC) - Social Solidarity Network, Report on Displacement in Colombia, first semester 2001.

[25] Data from RSS and CODHES.

[26] Meertens, Donny, 2001, *The Nostalgic Future: Terror, Displacement and Gender in Colombia, Victims, Actors or Perpetrators? Gender, Armed Conflict and Political Violence.* Caroline Moser and Fiona Clark, eds. London, Zed Books, 2001, pp. 133-148.

[27] Variations result from different methodologies used in counting, from practical difficulties in developing an accurate registry of displaced persons in a country at war, and the political focus given (to show the devastation and lack of population in rural areas or to estimate the amount of persons requiring official humanitarian assistance).

[28] Social and Economic Policy Council (a government agency).

[29] CODHES Bulletin "*Desplazados - el Rostro Anónimo de la Guerra*", Bogotá, June 2001.

[30] During 2000 there was an average of four displacements per day. This average increased to six during 2001.

[31] Information System on Population Displaced through Violence in Colombia (RUT), Quarterly Bulletin No. 10, National Social Pastoral Secretariat, Bogotá, April-June 2001.

[32] RSS, *Informe sobre Desplazamiento Forzado en Colombia en el Primer Trimestre 2001.* The departments having the largest number of displaced women are, Guajira, Meta, Valle del Cauca, Santander and Boyaca.

[33] Social Solidarity Network, *"Atencion a la poblacion desplazada por la violencia en Colombia"*, Management report, Bogotá, January 2000 to June 2001.

[34] Jorge Rojas, "*Desplazamiento forzado, conflicto social y derechos humanos*". Paper presented at the Seminar on Displacement and Social Conflict in Colombia. Bogotá, Colombia National University, 1997. The highest figure for women heads of households (49 per cent) was found in a study made on displaced families in Cali (Life, Justice and Peace Commission, Cali Archdiocese), 1997, p. 42.

[35] CODHES Informa No. 37.

[36] For a traditional peasant woman, a small landowner, her social identity is closely rooted in primary relations (domestic environment, family, neighbours). Her lack of social and geographic mobility restricts her to a smaller world than that of non-traditional peasant women, who have moved on to conquer new lands and have thus expanded their outlook. Consequently, the former have a more difficult experience during rupture.

[37] PROFAMILIA, (a Colombian NGO), First National Survey on Sexual and Reproductive Health: the Situation of Displaced Women. Bogotá, October 2000-May 2001.

[38] OFP is located in the Middle Magdalena region and defends working women's rights through projects relating to comprehensive health care, solidarity economy, youth movements, training and education, a document centre, assistance for displaced women and their families (physical and psychological health, nutritional sustainability, emergency assistance). This work is undertaken in facilities within popular communities known as women's homes. OFP currently has nine women's homes, located in eight municipalities of the Middle Magdalena region and one in Bogotá.

[39] Report of the Committee on the Elimination of Discrimination against Women on its twentieth session. Concluding comments on the fourth periodic report of Colombia. A/54/38, paras. 337-401.

[40] Inter-American Commission on Human Rights. OAS/Ser.L/V/II. 102, Doc.9 Rev.1, Chap. XII, E, paras. 3, 5, 7.

[41] Report of the Committee on the Elimination of Discrimination Against Women on its twentieth session. Concluding comments on the fourth periodic report of Colombia. A/54/38, para. 393.

[42] Ibid., para. 398.

Appendix

SELECTIVE LIST OF PERSONS/ORGANIZATIONS THE SPECIAL RAPPORTEUR MET WITH DURING HER VISIT

Mr. Gustavo Bell	Vice-President/Minister of Defence
Mr. Guillermo Fernandez de Soto	Minister for Foreign Affairs
Ms. Nazly Lozano Aljure	Presidential Counsellor for Women's Affairs
Mr. Eduardo Cifuentes	Ombudsman
Ms. Gloria Quinceno	Director-General for Reincorporation Programmes
Mr. Fernando Medellin	Director of the Social Solidarity Network
Colonel Luis Alfonso Novoa	Coordinator of the Human Rights Unit, National Police
Mr. Alejandro Ramelli	Director, Human Rights Unit of the Office of the Prosecutor-General of the Nation
	Colombian Family Welfare Unit (ICBF)
Mr. Anders Kompass	Director of the Office of the High Commissioner for Human Rights, (OHCHR) Colombia
	Working Group on Women and Armed Conflict
	Inter-Agency Working Group on Gender and Displacement Gender and Rights Programme
	Instituto Latinoamericano de Servicios Legales Alternativos (ILSA)
	Comisión Colombiana de Juristas
	International Women's League for Peace and Freedom (LIMPAL)
	Casa de la Mujer
	Joan of Arc Association
	National Association of Colombian Indigenous and Peasant Women (ANMUCIC)
	Women and Family Programme of the National Peasant User Association - Reconstruction Unit (ANUC-UR)
	Women's Home Corporation
	Former Combatant Women Collective Association
	Maria Maria Collective Association
	Education and Development Foundation (FEDES)
	Humanizar
	Human Rights Institute of the Public Administration
	Academy ESAP
	Women's Peaceful Route
	Bolivar Displaced Women's League
	Women's Popular Organization (OFP)
	Bogota National Women's Network